



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEEC-T

10 APR 1988

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: USACE Training Policy for Attorneys

1. Enclosed for immediate distribution and implementation is my Training Policy for Attorneys.
2. The policy was drafted by my Legal Training Committee and presented at the Corps Legal Services Senior Leadership Conference. Based on the response from the USACE legal services family, there is a broad based consensus for the policy.
3. The essential purpose of this policy is to provide a written policy statement on training for USACE attorneys. The policy presents overall training principles; provides responsibilities for individual attorneys and for supervisors of attorneys; addresses cross training, continuing legal education, and long-term training; and outlines the functions of my Legal Training Committee.
4. This policy expressly applies to Real Estate attorneys and has been formally endorsed by the Director of Real Estate.
5. The importance of training is underscored by its choice as the Army Theme for 1988. Training and development are clearly keys to excellence and managers at all levels have a crucial responsibility in their implementation. I believe the USACE Training Policy for Attorneys provides a flexible expression of the Corps' commitment to attorney development to insure excellence in client care. I challenge every legal manager to join me in making it work.

FOR THE COMMANDER:

A handwritten signature in cursive script, reading "Lester Edelman", is written over a horizontal line.

LESTER EDELMAN
Chief Counsel

Enclosure

DISTRIBUTION ATTACHED

U.S. ARMY CORPS OF ENGINEERS
TRAINING POLICY FOR ATTORNEYS

- I. PREAMBLE. The Corps is its people. Accordingly, the development of our employees is essential to the future of the organization. Training plays a fundamental role in this development. Therefore, we must challenge our managers to consider training from a career development perspective. Training must be planned, continuous, progressive, and sequential. Our leadership excellence, management effectiveness, and technical expertise for today, and for the future, depends on this commitment. This training policy for U.S. Army Corps of Engineers (USACE) attorneys is intended as a comprehensive, but flexible expression of our commitment to employee development to provide excellence in client care.
- II. PURPOSE OF POLICY. The purpose of this policy is to prescribe a formal written statement on training for USACE attorneys. This policy imposes responsibilities in addition to those required by statutes, regulations, and other USACE policies.
- III. APPLICABILITY.
- A. SCOPE. The provisions of this policy are applicable to all persons within USACE in attorney positions, i.e., those positions with duties the performance of which requires admission to the bar.
- B. EFFECTIVE DATE. This policy is effective immediately.
- IV. PURPOSES OF TRAINING.
- A. GENERAL. All training should satisfy the mission requirements of the USACE and one or more of the purposes specified in section B.
- B. PURPOSES. The basic purposes of training for USACE attorneys are:
1. To develop or maintain legal, management, or leadership competence,
 2. To enhance individual performance,
 3. To foster career development,
 4. To develop organizational subject matter expertise,

5. To insure professionalism in the Corps legal family, and
6. To insure excellence in client care.

V. PRINCIPLES AND RESPONSIBILITIES.

A. PRINCIPLES.

1. All attorneys will continue their legal education in order to meet their ethical obligation to maintain the competence and integrity of the legal profession, and to provide excellence in client care.
2. All attorneys will actively participate in their own career development.
3. All supervisors of Corps attorneys will assure the competence and career development of their subordinate attorneys.
4. District Counsels, Division Counsels, and the Chief Counsel will actively manage the training efforts of the attorneys for whom they have professional responsibility (i.e., evaluate, rate, or certify as to professional competence).
5. Training decisions will be made by supervisors of attorneys considering the best interests of both the Government and the individual attorney, with the objective of insuring excellence in client care.
6. All training decisions will be made consistent with the principles of equal opportunity and maximizing human potential.

B. RESPONSIBILITIES.

1. SUPERVISOR RESPONSIBILITIES.

- a. The supervisor's responsibility for the competence and career development of their subordinate attorneys includes the obligation to provide regular, formal, substantive legal training opportunities for all attorneys under their supervision.
- b. Supervisors should provide the opportunity for each attorney for whom they are responsible to attend a reasonable amount of legal training in each fiscal year. One legal training course of three to five days duration per year is deemed a reasonable minimum.

- c. All supervisors of attorneys should develop an office training plan designed to satisfy the training requirements of their subordinate attorneys within a reasonable period of time.
- d. District Counsels, Division Counsels, and the Chief Counsel should develop their training budgets based on a goal of meeting all identified training requirements within a reasonable and finite period of time. When developing their training budget, consideration should be given to the need to train new hires and attorneys required to perform new duties or additional missions.
- e. District Counsels, Division Counsels, and the Chief Counsel have responsibility for Real Estate attorneys because they must certify as to their legal competence. This responsibility includes the duty to participate in the development of training plans for Real Estate attorneys to insure that they are receiving adequate legal training.
- f. Training decisions for individual attorneys should be made in accordance with a long-term plan, rather than on a course-by-course basis.
- g. Supervisors are responsible for developing an individual development plan (IDP) for each attorney. This process must provide for meaningful participation by the attorney for whom the IDP is being prepared. IDPs for all Real Estate attorneys shall be developed by the supervisor in consultation with the FOA Counsel with responsibility for certifying as to the legal competence of the Real Estate attorney.
- h. Supervisors of Real Estate attorneys should afford their attorneys the opportunity to attend legal training courses, not directly related to real estate responsibilities, when the courses will result in enhanced performance, will promote career development, will lead to increased organizational subject matter expertise, or will increase their leadership potential.
- i. Supervisors of attorneys should recognize that substantive legal training includes training that goes beyond the narrow scope of current duties, such as leadership training and cross-training which enhances the organization's opportunities to excel.

- j. FOA Counsels must satisfy themselves that all attorneys for whom they must certify legal competence maintain current state bar membership and meet all current state licensing requirements, including satisfaction of any mandatory continuing legal education.
- k. Supervisors of attorneys should make every effort to provide leadership and management training opportunities for attorneys with high potential.

2. ATTORNEY RESPONSIBILITIES.

- a. The obligation to maintain legal competency is a responsibility of each individual attorney and includes responsibility for meeting all relevant state bar membership and licensing requirements, including satisfying state-imposed mandatory continuing legal education requirements.
- b. All attorneys are encouraged to seek training opportunities which will assist in their career development and increase excellence in client care.
- c. All attorneys should assist their supervisors in the preparation of IDPs which address the attorneys' training needs.

VI. SPECIAL PROGRAMS AND CONSIDERATIONS.

A. MANDATORY TRAINING.

- 1. This policy does not establish a list of required training courses. It focuses instead upon creating a duty for supervisors of attorneys to provide a standard amount of regular training opportunities to all attorneys.
- 2. Supervisors of attorneys may not require any specific courses which must be completed by a Corps attorney to be eligible for promotion without the approval of the Chief Counsel.

B. CROSS TRAINING.

- 1. DEFINITION. Training outside an attorney's present office, functional area, or responsibility.

2. POLICY.

- a. Supervisors of attorneys should encourage cross training of attorneys where it provides benefits to the individual and to the organization.
- b. This policy imposes no specific requirements regarding the details of cross-training assignments. However, cross-training assignments should be of a sufficient period to make them meaningful; a performance plan should be developed prior to the assignment; after the assignment, the sponsoring office should prepare a report, including an assessment of the benefits, and furnish a copy to the attorney's permanent office; and the attorney's personnel record should be appropriately annotated.
- c. The specific details of an assignment should be negotiated between the relevant elements and coordinated with the servicing personnel office.
- d. Requests for cross training requiring a temporary duty assignment will be made in writing to the Chief Counsel in accordance with the provisions of USACE Supplement 1 to AR 690-300, 302.

C. CONTINUING LEGAL EDUCATION (CLE).

1. GENERAL POLICY.

- a. Attendance at CLE courses facilitates professional development and enhances the stature of Corps of Engineers attorneys, and is required in some jurisdictions for continued bar membership.
- b. Supervisors of attorneys should: encourage their subordinate attorneys to keep abreast of new issues and trends in the law through attendance at CLE courses, budget for attendance at CLE courses, but emphasize that CLE requirements are ultimately the responsibility of the individual attorney.

2. GRANTING OF LEAVE AND PAYMENT OF EXPENSES.

- a. Mandatory CLE courses should be included in the IDP, where appropriate.
- b. Supervisors of attorneys with mandatory CLE requirements are encouraged to schedule official training that satisfies those requirements, mission requirements, and one or more of the training purposes specified in section III.

- c. If circumstances do not allow the payment of travel, per diem, and tuition expenses, and barring unusual circumstances, administrative leave should be granted to attorneys to attend courses to meet mandatory CLE requirements.
- d. Supervisors of attorneys retain the right not to pay expenses or grant leave when circumstances dictate.

D. LONG-TERM TRAINING (LTT).

- 1. DEFINITION. Professional training outside the organizational unit to which the employee is assigned on a continuous, full-time basis for more than 120 days.
- 2. The objectives of long-term training are:
 - a. To teach high potential attorneys (i.e., individuals identified as executive/manager or as highly qualified to be one) management skills that require a long-term program,
 - b. To increase an attorney's knowledge of advances in his or her professional field that cannot be accomplished in short-term training, and
 - c. To train an attorney in another function when job responsibilities have changed or are interdisciplinary.
- 3. Long-term training will be used when it achieves training objectives or mission requirements more effectively than short-term assignments.
- 4. Supervisors of attorneys should integrate the long-term training program into their overall training program.
- 5. District Counsels, Division Counsels, and the Chief Counsel should encourage long-term training for individual attorneys where it is in the best interests of the Government.
- 6. Corps attorneys are eligible for Corps Headquarters sponsored LTT.
- 7. Attorneys are also eligible to attend LL.M. programs at any accredited institution in any area of legal specialization, as long as the training satisfies one or more of the training purposes specified in section III, and is directly related to their current or anticipated job duties.

8. For programs other than those listed in the LTT regulations, attorneys or supervisors of attorneys may seek approval for local or Corps headquarters sponsorship.
9. Approval of the Chief Counsel is required for any LTT for attorneys.

E. PROFESSIONAL MEETINGS.

1. GENERAL POLICY.

- a. Attendance at professional meetings facilitates professional development and enhances the professional stature of Corps of Engineers attorneys, and contributes to their education and training.
- b. Attendance at certain professional meetings may satisfy one or more of the training purposes specified in section III.
- c. Attendance at professional meetings should be considered by supervisors of attorneys when formulating their training budgets.

2. ATTENDANCE, EXPENSES, AND LEAVE.

- a. Supervisors of attorneys may authorize attendance at professional meetings as official training (i.e., employee is authorized travel expenses and per diem and is placed on temporary duty status) when attendance satisfies one or more of the training purposes specified in section III and fully satisfies the requirements of AR 1-211 (i.e., information gained will substantially benefit the approving authority's mission).
- b. Supervisors of attorneys, in accordance with AR 1-211, may grant permissive leave (i.e., a period of authorized absence not chargeable to leave but at the employee's own expense) to their subordinate attorneys to attend professional meetings that will be of some benefit to mission accomplishment, but not of direct or substantial benefit.
- c. Supervisors of attorneys are encouraged to grant annual leave to their subordinate attorneys who want to attend, at their own expense, professional meetings that are not appropriate for official training or permissive TDY.

F. TEACHING.

1. Participation in the Corps legal and related training serves as a valuable career development tool, can satisfy CLE requirements in a majority of states, provides cross-fertilization of ideas and information benefiting the Corps of Engineers as a whole, and ensures a balanced and meaningful training program.
2. Supervisors of attorneys are expected to support the Corps of Engineers training mission by encouraging participation in and providing instructors for Corps of Engineers legal and related training.
3. All qualified attorneys are encouraged to participate as instructors and subject matter contributors to course texts for Corps of Engineers legal and related training.

VII. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION.

- A. Supervisors of attorneys are required to adhere to the principles of equal employment and affirmative action in making training decisions (e.g., to advance the development of minorities and women to enable them to maximize their potential).
- B. All Corps attorneys are encouraged to complete training in equal employment opportunity and affirmative action.

VIII. CORPS OF ENGINEERS LEGAL TRAINING COMMITTEE.

A. FUNCTIONS.


1. The Corps of Engineers Legal Training Committee is the Chief Counsel's point of contact on all training issues for attorneys, and all training issues should be coordinated with the Committee.
2. The Legal Training Committee will select all instructors who will teach Corps legal aspects of Huntsville Division's Training Center programs.

- B. EXCEPTIONS TO POLICY. All requests for deviations from the training policy must be submitted through the Legal Training Committee to the Chief Counsel.

- C. NOVEL TRAINING PROPOSALS. Advice or instructions for handling novel training proposals or unusual approaches to training may be obtained from the Legal Training Committee.


LESTER EDELMAN
Chief Counsel

I concur in and hereby adopt the above policy with respect to USACE Real Estate attorneys.


B. J. FRANKEL
Director of Real Estate